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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/737,376 | 12/14/2000 | Garret Swart | P4701 | 1801 |

24739 7590 02/23/2005

CENTRAL COAST PATENT AGENCY
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| EXAMINER |
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SMITH, JEFFREY A

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| ART UNIT | PAPER NUMBER |
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3625

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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09/137,374

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| EXAMINER |
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| ART UNIT | PAPER |
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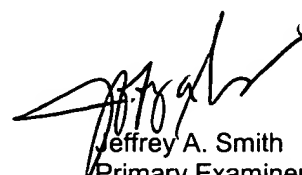
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Commissioner for Patents

See attached sheets


Jeffrey A. Smith
Primary Examiner
Art Unit: 3625

Amendment Non-Responsive-Impermissible Shift

The amendment filed on January 13, 2003 amends all independent claims to recite patentably distinct classes of invention not originally presented and therefore constructively elected for prosecution. The amendment leaves no claims directed to the originally presented inventions. An amendment presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the inventions now presented would have been subject to a restriction requirement had they been originally been presented with the inventions actually originally presented.

Claim 1 now recites a method building (making) a database vs. a data entity. Claim 8 now recites what is interpreted to be a system for exchanging a transactional service (the actual intended statutory class of this invention is not clear) vs. a database. Claim 15 now recites a method for using a data entity vs. a method of forming (making) a data entity. Claim 21 now recites a method of searching a database vs. a method for matching reservables.

None of the claims, as now presented, are readable on the claims originally presented.

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Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey A. Smith
Primary Examiner
Art Unit 3625

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